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6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

8 UNITED STATES OF AMERICA, }
9 }
10 Plaintiff, } CASE NO. SA CR 11-0069-GAF-6
11 v. }
12 } ORDER OF DETENTION
13 AUGUSTO RECINOS ASENCIO, }
14 Defendant. }

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16 I.

17 A. (✓) On motion of the Government in a case allegedly involving:

- 18 1. () a crime of violence.
19 2. () an offense with maximum sentence of life imprisonment or death.
20 3. (✓) a narcotics or controlled substance offense with maximum sentence
21 of ten or more years .
22 4. () any felony - where the defendant has been convicted of two or more
23 prior offenses described above.
24 5. () any felony that is not otherwise a crime of violence that involves a
25 minor victim, or possession or use of a firearm or destructive device
26 or any other dangerous weapon, or a failure to register under 18
27 U.S.C § 2250.

28 B. (✓) On motion by the Government / () on Court's own motion, in a case

allegedly involving:

(✓) On the further allegation by the Government of:

1. (✓) a serious risk that the defendant will flee.

2. () a serious risk that the defendant will:

a. () obstruct or attempt to obstruct justice.

b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

C. The Government (✓) is/ () is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

A. (✓) The Court finds that no condition or combination of conditions will reasonably assure:

1. (✓) the appearance of the defendant as required.

(✓) and/or

2. (✓) the safety of any person or the community.

B. (✓) The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

III.

The Court has considered:

A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

B. the weight of evidence against the defendant;

C. the history and characteristics of the defendant; and

D. the nature and seriousness of the danger to any person or to the community.

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the
3 arguments and/or statements of counsel, and the Pretrial Services
4 Report/recommendation.
5

6 V.

7 The Court bases the foregoing finding(s) on the following:

8 A. (✓) As to flight risk: Defendant provided no background information.
9 While unconfirmed at this juncture, Defendant may also be subject to
10 an ICE detainer.
11

12 B. (✓) As to danger: Defendant has an extensive criminal history.

13 VI.

14 A. () The Court finds that a serious risk exists that the defendant will:

15 1. () obstruct or attempt to obstruct justice.

16 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
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18 B. The Court bases the foregoing finding(s) on the following: _____
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26 VII.

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28 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

1 B. IT IS FURTHER ORDERED that the defendant be committed to the
2 custody of the Attorney General for confinement in a corrections facility
3 separate, to the extent practicable, from persons awaiting or serving
4 sentences or being held in custody pending appeal.

5 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
6 opportunity for private consultation with counsel.

7 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
8 or on request of any attorney for the Government, the person in charge of
9 the corrections facility in which the defendant is confined deliver the
10 defendant to a United States marshal for the purpose of an appearance in
11 connection with a court proceeding.

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15 DATED: September 6, 2011


HONORABLE JAY C. GANDHI
UNITED STATES MAGISTRATE JUDGE